

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LANE KENNETH KROLL,

Petitioner,

v.

ATTORNEY GENERAL ROBERT
FERGUSON and SCOTT SOUZA,

Respondents.

NO: 4:20-CV-5083-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

By Order filed June 11, 2020, the Court denied Petitioner leave to proceed *in forma pauperis*, because he had a balance of \$946.72 on his inmate account and indicated he was financially responsible for no one other than himself. ECF No. 7. Petitioner, a pretrial detainee at the Benton County Jail, filed this *pro se* Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2241 on May 20, 2020, ECF No. 1. Respondents have not been served.

The Court directed Petitioner to either pay the \$5.00 filing fee or show cause by sworn affidavit why he should not be required to do so. ECF No. 7 at 2. On June

22, 2020, Petitioner submitted a document titled “Affidavit Indication/Clarity,” stating that he currently has approximately \$600.00 on his account. ECF No. 6 at 1. He then described a complex series of processes to make the \$5.00 filing fee payment, including that a “‘Person’ of the Court has to ‘Appear’ to obtain Possession of Said. ‘funds,’” and then “‘Create’ a check for the difference minus the appropriate 5.00 fee.” ECF No. 6 at 1-2. In the alternative, Petitioner indicated his consent to dismiss this action without prejudice. *Id.* at 2, 3.

The Clerk of Court requires payment in the exact amount of the filing fee. Petitioner has indicated that he has sufficient funds but is unable to provide payment of the exact filing fee at this time. The Court declines his invitation to have someone “appear” to obtain funds from his account and to “create” a check for the difference. Accordingly, **IT IS HEREBY ORDERED:**

1. This action is **DISMISSED** without prejudice for non-payment of the filing fee under Rule 3(a)(1), Rules Governing Section 2254 Cases in the United States District Courts.
2. The Court certifies any appeal of this dismissal would not be taken in good faith.

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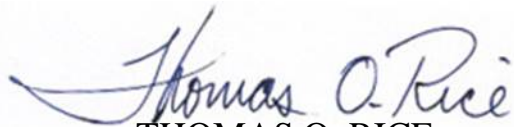
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1 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
2 enter judgment, forward a copy to Petitioner and **close** the file.

3 **DATED** June 23, 2020.



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THOMAS O. RICE
6 Chief United States District Judge